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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,574	02/27/2004	Matthew P. Chant	LOT9-2004-0002 (7321-44U)	7947
46321 7590 10/26/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER CHANG, JUNGWON	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,574

Applicant(s)

CHANT ET AL.

Examiner

Jungwon Chang

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2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. Claim 3 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claim 4 covers the same elements recited in claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirsch (US 7,206,814).
5. As to claim 1, Kirsch discloses the invention as claimed, including a method for

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classifying electronic mail message transfer requests for policy enforcement (col. 2, lines 54-64, "categorize received e-mail messages") comprising the steps of:

identifying a source of an incoming electronic message (col. 2, lines 54-64, "sender could be identified by an email address, a single IP address");

classifying said source (col. 2, lines 54-64, "categorize received e-mail messages based on information about the sender"); and,

applying a message transfer policy associated with said classification for said source (fig. 2; col. 5, line 60 – col. 6, line 40, "if the sender is on the whitelist, the message is passed on to the recipient...if the sender is on a blacklist...the message will not accepted...").

6. As to claim 2, Kirsch discloses wherein said identifying step comprises the step of identifying a network address for said source (col. 2, lines 54-64, "sender could be identified by an email address, a single IP address").

7. As to claims 3 and 4, Kirsch discloses wherein said classifying step comprises the step of classifying said source as one of a trusted source, a blocked source, and a suspect source (col. 5, line 60 – col. 6, line 40, "sender is on the whitelist... sender is on a blacklist").

8. As to claim 5, Kirsch discloses wherein said classifying step further comprises the step of classifying said source as a blocked source where said source appears in a

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realtime black hole list (col. 5, line 60 – col. 6, line 40, “sender is on a blacklist”).

9. As to claim 6, Kirsch discloses wherein said classifying step further comprises the step of classifying said source as a suspect source where said source appears in a realtime black hole list (col. 13, lines 31-56, “new sender is placed...as suspected spam folder”).

10. As to claim 7, Kirsch discloses classifying said source as an authenticated source only where an authenticated connection has been established with said source (col. 6, line 59 – col. 7, line 19; col. 9, lines 20-31, “the sender has a good reputation, in which case the message will be passed”; col. 17, lines 46-52, “message is passed only if the final IP address, final domain name, or IP path have never been used to pass unwanted messages”).

11. As to claim 8, Kirsch discloses wherein said applying step comprises the step of limiting transfer of messages from a source classified as suspect (col. 13, lines 51-56, “new sender is placed...as suspected spam folder”).

12. As to claim 9, Kirsch discloses wherein said applying step comprises the step of limiting transfer of messages from a source classified as anonymous (col. 13, lines 31-56, “unknown senders”).

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13. As to claim 12, it is rejected for the same reasons set forth in claim 1 above. In addition, Kirsch discloses a machine readable storage having stored thereon a computer program (col. 3, line 62 – col. 4, line 65, “server is running software 26 for handling e-mail messages”).
14. As to claim 13, it is rejected for the same reasons set forth in claim 2 above.
15. As to claim 14, it is rejected for the same reasons set forth in claim 3 above.
16. As to claim 15, it is rejected for the same reasons set forth in claim 4 above.
17. As to claim 16, it is rejected for the same reasons set forth in claim 5 above.
18. As to claim 17, it is rejected for the same reasons set forth in claim 6 above.
19. As to claim 18, it is rejected for the same reasons set forth in claim 7 above.
20. As to claim 19, it is rejected for the same reasons set forth in claim 8 above.
21. As to claim 20, it is rejected for the same reasons set forth in claim 9 above.
22. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by

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Aoki (US 7,224,778).

23. As to claim 10, Aoki discloses a system for classifying electronic mail message transfer requests for policy enforcement (fig. 2) comprising:

a mail server (22, fig. 1);

a set of mail transfer policies, each policy having an association with a corresponding source classification (fig. 2, "rule database to screen incoming messages, approved ID code, approved sender address"; col. 5, line 40 – col. 6, line 3);

at least one table of source identities having a particular classification (38, 39, fig. 1, "sender name, ID code name, source address, user address"; 60, 62, 112, fig. 2; col. 1, lines 32-47, "parameters stored in a database to block certain messages from unauthorized sources"; col. 5, lines 27-39, "a listing of approved message source is maintained"); and

a classifier (32, fig. 1; col. 5, lines 11-26, "filtering agent") coupled to said mail server (22, fig. 1) and said at least one table (38, 40, 42, fig. 1).

24. As to claim 11, Aoki discloses wherein said at least one table comprises at least one table selected from the group consisting of a table of trusted sources, a table of authenticated sources, a table of suspect sources, a table of blocked sources, and a realtime black hole list (38, 39, fig. 1; 60, 62, 112, fig. 2; col. 1, lines 32-47, "parameters stored in a database to block certain messages from unauthorized sources"; col. 5, lines 27-39, "a listing of approved message source is maintained").

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rounthwaite, US 7,219,148, Nielsen, US 6,453,327, Turgeman et al, US 2006/0265498, Klos et al, US 7,200,637, Patel, US 7,149,778 disclose a method and system for identifying and determining whether a given e-mail message is junk e-mail or trust email.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 6:30-2:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information


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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 25, 2007


JUNGWON CHANG
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100